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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,196	11/14/2001	Jose Fernandez	42390P10728	5794
8791 7590 07/16/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
GUILL, RUSSELL				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
07/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/004,196

**Applicant(s)**

FERNANDEZ, JOSE

**Examiner**

Russ Guill

**Art Unit**

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-42 is/are allowed.
- 6) ☒ Claim(s) 13, 14, 25 and 43-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### DETAILED ACTION

1. This action is in response to an Amendment filed April 7, 2008. Claims 1 - 5, 7 - 42 and 43 - 49 are pending. Claims 1 - 5, 7 - 42 and 43 - 49 are allowable over the prior art of record. Claims 13 - 14, 25 and 43 - 49 are rejected under 35 U.S.C. § 112, second paragraph.

#### *Response to Arguments*

2. Regarding claims 43 - 49 rejected under 35 U.S.C. § 103:
  - 2.1. Applicant's arguments have been fully considered, and are persuasive.

#### *Claim rejections 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 13 - 14, 25 and 43 - 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - 4.1. Regarding claim 13, the claim recites in line 2, "the data model structure". The term appears to have insufficient antecedent basis. Dependent claims inherit the defects of the parent claim.
  - 4.2. Regarding claim 25, the claim recites in line 2, "the model structure". The term appears to have insufficient antecedent basis.
  - 4.3. Regarding claim 43, the claim recites in line 2, "the persistence package". The term appears to have insufficient antecedent basis. Dependent claims inherit the defects of the parent claim.

*Allowable Subject Matter*

5. Claims 1 – 5, 7 – 49 appear to be allowable over the prior art of record.
6. A statement of reasons for indication allowable subject matter was provided in the previous Office action for claims 1, 9, 29 and 36.
7. Following is a statement of Examiner's reasons for indicating allowable subject matter.
  - 7.1. Regarding claim 43, while Manning appears to teach:
    - 7.1.1. the software components having persistent data in different model structures, the persistent data relating to diverse types of objects;
    - 7.1.2. receiving metadata comprising at least in part a description of the model structure, the metadata describing the persistent data;
    - 7.1.3. establish, using the metadata and without using the software component from which the persistence package was received, during a runtime of the machine, a storage format and a storage location for the persistent data;
    - 7.1.4. apply the established storage format to the persistent data to format the persistent data for storage from the format of the software component into a storage format that is compatible with the machine and with a storage device independent of the software component;
  - 7.2. and Maimone appears to teach:
    - 7.2.1. receive metadata comprising at least in part a description of the model structure, the metadata describing the persistent data and comprising at least in part, a description of the format of the persistent data;
  - 7.3. none of these references either alone or in combination, appears to teach an article of manufacture specifically including:
    - 7.3.1. "receive persistent data having a model structure from one of a plurality of different software components that are foreign to the machine and the machine-readable medium", in combination with the remaining features and elements of the claimed invention.

### *Conclusion*

8. The prior art made of record in a prior Office action, and not relied upon, is considered relevant to the Applicant's disclosure:
  - 8.1. Barbara Staudt Lerner et al.; "Beyond Schema Evolution to Database Reorganization", 1990, Proceedings of the European conference on object-oriented programming on Object-oriented programming systems, languages, and applications OOPSLA/ECOOP '90, volume 25, issue 10, pages 67 - 76; teaches transforming classes in a database to affect the contents as little as possible (page 70, section 2.4).
  - 8.2. L.M. Haas et al.; "Transforming Heterogeneous Data with Database Middleware: Beyond Integration", 1997, Bulletin of the IEEE Computer Society Technical Committee on Data Engineering, pages 1 - 6; teaches schema transformation.
  - 8.3. Elke A. Rundensteiner et al.; "Maintaining Data Warehouse over changing information sources", June 2000, Communications of the ACM, Volume 43, Number 6, pages 57 - 62; teaches evolving schemas in data warehouses.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday – Friday 10:00 AM – 6:30 PM.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russ Guill  
Examiner  
Art Unit 2123

RG

/Paul L Rodriguez/  
Supervisory Patent Examiner, Art  
Unit 2123